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Department of Public Health*

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

## **FREE NOW FOUNDATION, et al.,**

2:24-cv-03523-DJC-SCR

### **Plaintiffs,**

v.

**ERICA PAN IN HER OFFICIAL  
CAPACITY AS DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF  
PUBLIC HEALTH.**

## **DEFENDANT CDPH'S DECLARATION OF COUNSEL**

Filed Concurrently with

- (1) Motion to Dismiss
  - (2) Request for Judicial Notice
  - (3) Objection to Declarations Attached

Plaintiffs' Second Amended Complaint

  - (4) [Proposed] Order

Date: August 21, 2025

Time: 1:30 p.m.

Dept: 7

Judge: The Hon. Daniel J. Calabretta  
File No. D-1-16-2004

Action Filed: December 16, 2024

## **DECLARATION OF COUNSEL**

I, Jacquelyn Young, declare the following:

1. I am an attorney licensed to practice law in the State of California and am admitted to practice before this Court. I am a Deputy Attorney General with the Office of the Attorney General, and I am counsel of record for Defendant Dr. Erica Pan, in her official capacity as Director of the California Department of Public Health (CDPH).

2. I make this declaration in support of Defendant CDPH's Motion to Dismiss Plaintiffs' Second Amended Complaint (Motion). I have personal knowledge of the facts set forth herein, and if called and sworn as a witness, I could and would testify competently to all of said facts.

**Conference of Counsel Pursuant to Local Rule 7-3**

3. Pursuant to Local Rule 7-3, on May 19, 2025, I met and conferred via video teleconference with counsel for Plaintiffs to discuss CDPH's grounds for the Motion. The parties were unable to reach a resolution.

## **CDPH's Request for Judicial Notice**

4. In support of its Motion, CDPH concurrently filed a Request for Judicial Notice (RJN).

5. Attached to the RJD, Exhibit 1 is a true and correct copy of the Assembly Committee on Health Analysis on California Senate Bill 277 (2015), dated June 9, 2015.

6. Attached to the RJD, Exhibit 2 is a true and correct copy of California Senate Bill 276 (2019), modifying the medical exemption to compulsory school vaccination requirements.

7. Attached to the RJD, Exhibit 3 is a true and correct copy of California Statutes 1880 chapter 24, establishing compulsory smallpox vaccination for school children.

8. Attached to the RJD, Exhibit 4 is a true and correct copy of California Statutes 1961, chapter 837, establishing compulsory polio vaccination for school children (with medical and philosophical exemptions).

9. Attached to the RJD, Exhibit 5 is a true and correct copy of California Senate Bill 277 (2015), modifying compulsory school vaccination requirements and repealing the personal belief exemption.

10. Attached to the RJN, Exhibit 6 is a true and correct copy of the Senate Committee on Health Analysis of Senate Bill 277, dated April 7, 2015.

11. Attached to the RJD, Exhibit 7 is a true and correct copy of the Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, Measles Outbreak – California, December 2014–February 2015.

12. Attached to the RJD, Exhibit 8 is a true and correct copy of the California Department of Public Health's 2019–2020 7th Grade Immunization Assessment.

13. Attached to the RJD, Exhibit 9 is a true and correct copy of the California Department of Public Health's 2019–2020 Kindergarten Immunization Assessment.

14. Attached to the RJN, Exhibit 10 is a true and correct copy of the Assembly Committee on Health analysis, dated June 20, 2019, for Senate Bill No. 276 related to medical exemptions from vaccination.

15. Attached to the RJD, Exhibit 11 is a true and correct copy of the California Department of Public Health's Kindergarten Immunization Assessment for 2020–2021 and 2021–2022, and First Grade Immunization Assessment for 2021–2022.

16. Attached to the RJN, Exhibit 12 is a true and correct copy of the California Department of Public Health's Seventh Grade Immunization Assessment for 2020–2021 and 2021–2022.

17. Attached to the RJN, Exhibit 13 is a true and correct copy of the Senate Judiciary Committee analysis of Senate Bill 277, dated April 27, 2015.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 16th day of July 2025, in San Jose, California.

/s/ Jacquelyn Young  
Jacquelyn Young

## CERTIFICATE OF SERVICE

Case Name: **Free Now, et al. v. Pan**

Case No. **2:24-cv-03523-DJC-SCR**

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I hereby certify that on July 16, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **DEFENDANT CDPH'S DECLARATION OF COUNSEL**

I certify that **all** participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on July 16, 2025, at Los Angeles, California.

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**Anthony Conklin**  
Declarant

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*Anthony Conklin*  
Signature

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